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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/788,036

02/16/2001

James A. Fitch

42365-00450

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01/06/2006

TOWNSEND AND TOWNSEND AND CREW/22395
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

CRAVER, CHARLES R

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/788,036	Applicant(s) FITCH ET AL.	
	Examiner Charles R. Craver	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,21 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 21 25-29 is/are allowed.
- 6) ☒ Claim(s) 24 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>here with</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by

Baynham, of record.

Baynham discloses a method for determining whether a wireless station is located within a geographical zone that is of substantially any shape, the method comprising establishing a hierarchical data structure for representing an area of interest including the geographical zone, the hierarchical data structure including a first level where the area of interest is represented by cells and a second level where the area of interest is represented by subcells, said subcells of said second level corresponding to smaller geographical areas than said cells of said first level;

establishing a geographical zone definition for said geographical zone by reference to said hierarchical data structure wherein said geographical zone definition includes information identifying at least one identified cell of said first level and at least one identified subcell of said second level such that said geographical zone is collectively defined by said identified cells and subcells (col 9 line 18-64);

receiving a location associated with a wireless station; and

determining whether or not the location associated with the wireless station is within the geographical zone by using said location associated with the wireless station and said geographical zone definition including said identified cells and subcells, wherein said step of determining is facilitated by use of both said identified cells and said identified subcells in said geographical cell definition (col 11 lines 3-42), wherein said step of establishing said geographical zone definition comprises

identifying a set of subcells corresponding to said geographical zone and storing first zone information relative to said set of subcells;

identifying, from said set of subcells, a subset of said subcells corresponding to a particular cell of said first level of said hierarchical data structure; and

storing second zone information generally corresponding to said first zone information, but wherein information regarding said subset of subcells is replaced with information regarding said particular cell of said first level of said hierarchical data structure, thereby facilitating storage and processing of said geographical zone definition (col 9 line 64-col 11 line 2).

Allowable Subject Matter

Claims 20, 21 and 25-29 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 20 and 27 teach towards a method for reconstructing a representation of an area of interest in a wireless telecommunication application including receiving a

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map of the area of interest, vectorizing the boundaries to define a polygon, establishing a hierarchical data structure including a first level of whole cells and a second layer of smaller subcells underneath the first cells, and establishing for at least one cell of the first layer and at least one subcell of the second layer indicators that indicate that the cell and subcell identify the polygon, and therein the indicators are used to determine if a mobile station location is within said polygon.

Claim 25 teaches towards a method for providing a hierarchical data structure representative of a geographic area of interest, wherein the hierarchical data structure comprises a cell in a first level and subcells to the cell in a second level, relative to the first level, and the subcells in the second level represent corresponding, smaller geographic areas of the geographic area represented by the cell in the first level; receiving a location associated with a wireless station; using the location associated with the wireless station to find a cell in the first or second level in the hierarchical data structure that is associated with the location of the wireless station; providing a first indication that the wireless station is in an area of interest if the cell found has a flag associated with the cell. And providing a second indication that the cell contains subcells if the cell found has pointers to a plurality of database records for the subcells corresponding to the cell.

Response to Arguments

Applicant's arguments with respect to claims 24 and 30 have been considered but are not persuasive.

While the examiner notes the differences between the cited references and the quadtree structure noted by the applicant (see arguments pages 6 and 7) the examiner notes that such a structure is absent from the claimed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The term "quadtree data structure" does not exist in the claims, and as such the Examiner will not read such term into the claims from the specification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHARLES CRAVER
PRIMARY EXAMINER

CC

January 4, 2006